AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/760,671

REMARKS

Claims 1-49 are all the claims pending in the application. Claims 1-16, 28-35, 44-46 and 48-49 are being amended. No new matter is introduced. Applicants added new claim 50 to more completely recite the invented subject matter.

Examiner's Interview

Applicants thank the Examiner for courtesies extended to Applicants during Examiner's telephonic interview with Applicants' representative, which took place on September 20, 2006. During the interview, the parties discussed the proposed claim amendments. The Examiner's and Applicants' proposals are incorporated in the present Amendment.

Rejections Under 35 U.S.C. 101

The Examiner has rejected claims 1-15, 28-41, 43-46, 48 and 49 under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection in view of Applicants' amendments to claims and further in view of the following arguments.

Specifically, the amended claims 1-15 generally recite a computer readable medium embodying a set of computer-executable instructions. Applicants respectfully submit that the recited computer readable medium embodying a set of computer-executable instructions is clearly statutory subject matter. Moreover, claims 1-15 recite a media presentation authoring system (interface). The recited system (interface) is useful in generating a media presentation, which clearly constitutes a useful, concrete and tangible result. Thus, the amended claims 1-15 are directed to statutory subject matter.

Likewise, the amended claims 28-35 are directed to a computer readable medium embodying a set of computer-executable instructions for generating a media presentation previewing interface. Applicants respectfully submit that the recited computer readable medium embodying a set of computer-executable instructions is also clearly statutory subject matter. Additionally, the aforesaid instructions result in the interface useful for previewing (creating a perceivable image) pf the media presentation. Generating perceivable preview image is clearly a "useful, concrete and tangible result," which further establishes that the amended claims 28-35 are directed to a statutory subject matter under 35 U.S.C. 101.

With respect to claims 36-41 and 43, the Examiner states that these claims are directed to software only and, therefore, they are unstatutory. In response, Applicants respectfully disagree. Specifically, system claims 36-38 recite a "camera system," while claims 39-41 and 43 recite a "master computer". Therefore, all these claims are not limited to software only, and, therefore, are statutory. Moreover, the systems recited in all those claims either generate media presentations or generate previews of such presentations for the user. Therefore, even if these claims were directed to software, they create a "useful, concrete and tangible" result, which makes them statutory under the applicable law.

Finally, the amended claims 44-46, 48 and 49 recite a computer readable medium embodying a set of computer-executable instructions for generating a media presentation authoring architecture. Applicants respectfully submit that because these claims are directed to computer-readable medium, they are statutory. Moreover, the subject matter recited in these

claims produces the media presentation, which is "useful, concrete and tangible result," making the claims statutory.

For all the foregoing reasons, Applicants respectfully request the Examiner to withdraw the aforesaid rejection of claims 1-15, 28-41, 43-46, 48 and 49 under 35 U.S.C. 101.

Rejections Under 35 U.S.C. 102(e)

The Examiner has rejected claims 1-3, 16-20 and 44 under 35 U.S.C. 102(e) as being allegedly anticipated by Deutscher et al. (U.S. patent publication No. 2004/0001106A1). Applicants respectfully traverse this rejection in view of Applicants' amendments of the independent claims 1 and 16 and further in view of the following arguments.

Specifically, while Deutscher et al. discloses various peripheral devices, it does not teach or suggest having representations associated with those devices in a form of multiple hot-spots within a media presentation environment representation of the media presentation authoring system, as recited by the subject claims. The Examiner points to paragraph 0076 lines 26-29 of Deutscher et al. alleging that the aforesaid portion teaches all elements of the rejected claims 1-3, 16-20 and 44. Applicants carefully reviewed the above portion of Deutscher et al. but could not find any of the alleged teachings. In fact, at paragraph 0076 Deutscher et al. merely states that "computers may also include other peripheral output devices such as speakers and printer." There is no mention what so ever in the aforesaid portion of Deutscher et al. that: (1) the media presentation environment representation incorporates a representation portion in a form of hot-spots; (2) that there are multiple hot-spots; and (3) each of multiple hot-spots is being associated with a peripheral device.

In other words, while the computer system of Deutscher et al. does include various peripheral devices, these devices do not have corresponding elements in the representation of the media presentation environment. In this regard, Applicants respectfully submit that all the aforementioned limitations recited in claims 1 may not be ignored and that all words in those claims must be considered in evaluating the patentability of the invention over the prior art. Ochiai et al., 37 U.S.P.Q.2d 1127 (Fed. Cir. 1995). For this reason, claim 1 is not anticipated by Deutscher et al.

If the Examiner continues to insist that the aforesaid limitations of claim 1 are taught in Deutscher et al., Applicants respectfully request the Examiner to point to the specific language of that Deutscher et al. containing the alleged teaching. When the Examiner asserts that there is an explicit or implicit teaching or suggestion in the prior art, the Examiner must indicate where such teaching or suggestion appears in the reference. See In re Rijckaert, 28 U.S.P.Q.2d 1955,7 (Fed. Cir. 1993). In the Office Action, the Examiner has failed to do that.

Likewise, the amended claim 16 recites selecting a physical device by selecting a portion of the media presentation environment representation defined as one of multiple hot-spots associated with the physical device. Because the aforesaid portion of the media presentation environment representation defined as multiple hot-spots, each being associated with a physical device is not taught or suggested by Deutscher et al., the amended claim 16 is likewise not anticipated by Deutscher et al.

With respect to the rejection of dependent claims 2-3, 17-20 and 44, while continuing to traverse the Examiner's characterization of the teachings of Deutscher et al. used by the

Examiner in rejecting these claims, Applicants respectfully submit that the rejection of claims 17-20 is rendered moot by the present amendment of the parent claims 1 and 16 and that all these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 1 and 16.

Rejections Under 35 U.S.C. 103 – Claims 4-15, 39-42 and 45-48

The Examiner has rejected claims 4-15, 39-42 and 45-48 under 35 U.S.C. 103 as being allegedly unpatentable over Deutscher et al. (U.S. patent publication No. 2004/0001106A1) in view of Land et al. (U.S. patent publication No. 2004/0039934). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, independent claims 4 and 9 generally recite a feature of the present invention, wherein the media presentation environment representation portion includes a portion defined as multiple hot-spots each corresponding to specific media presentation device. For reasons explained in detail with respect to claim 1, this feature of the invention is not taught or suggested in Deutscher et al. The other reference cited by the Examiner, Land et al., fails to remedy the above deficiency of Deutscher et al. Therefore, independent claims 4 and 9 are not unpatentable over Deutscher et al., Land et al. or any combination thereof.

With respect to the rejection of dependent claims 5-8, 10-15, 39-42 and 45-48, while continuing to traverse the Examiner's characterization of the teachings of Deutscher et al. and Land et al. used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejection of claims 5-8, 10-15, 38-42 and 45-48 is rendered moot by the present amendment of the parent claims 1, 4, 9 and 16 and that all these claims are patentable by definition, by virtue

of their dependence upon the patentable independent claims 1, 4, 9, 16 and 36 (discussed in detail below).

Rejections Under 35 U.S.C. 103 – Claims 21-38 and 49

The Examiner has rejected claims 21-38 and 49 under U.S.C. 103 as being allegedly unpatentable over Deutscher et al. (U.S. patent publication No. 2004/0001106A1) in view of Robotham et al. (U.S. patent No. 6,160,907). Applicants respectfully traverse this rejection in view Applicants' amendments to independent claims 28 and 32 and further in view of the following arguments.

First, with respect to independent claim 36, Applicants respectfully note that neither Deutscher et al., nor Robotham et al., nor any combination thereof teach or suggest the claimed camera system that captures live video of physical devices in a presentation environment. The Examiner alleges that the aforesaid lacking teaching is contained at paragraph 0076 of Deutscher et al. Applicants carefully reviewed the portion of Deutscher et al. cited by the Examiner but could not find any such teaching. Specifically, in paragraph 0076, Deutscher et al. merely describes a camera capable of capturing a sequence of images. Nowhere does Deutscher et al., teach or suggest at least two elements specifically recited by that claim: 1) that the aforesaid camera is operable to capture live video; and 2) that the camera captures live video of physical devices, which are part of the presentation environment. Deutscher et al. never specifies what images are taken by the camera. The Examiner may not simply assume that the prior art operates exactly as the claimed invention, without the appropriate teaching being present therein. The other reference cited by the Examiner, Robotham et al., also fails to remedy the above deficiency

of Deutscher et al. Therefore, claim 36 is patentable over Deutscher et al., Robotham et al. or any combination thereof.

With respect to amended independent claims 28 and 32, Applicants respectfully submit that these claims are patentable for at least the same reasons as claims 1, 4 and 9. Specifically, the amended independent claims 28 and 32 generally recite a feature of the present invention, wherein the media presentation environment representation portion includes a portion defined as multiple hot-spots each corresponding to specific media presentation device. For reasons explained in detail with respect to claim 1, this feature of the invention is not taught or suggested in Deutscher et al. The other reference cited by the Examiner, Robotham et al., fails to remedy the above deficiency of Deutscher et al. Therefore, the amended independent claims 28 and 32 are not unpatentable over Deutscher et al., Robotham et al., or any combination thereof.

With respect to the rejection of dependent claims 21-38 and 49, while continuing to traverse the Examiner's characterization of the teachings of Deutscher et al. and Robotham et al., used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejection of claims 21-27, 29-31, 33-35, 37-38 and 49 is rendered moot by the present amendment of the parent claims 16, 28 and 32 and that all these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 16, 28, 32 and 36.

Rejections Under 35 U.S.C. 103 – Claim 43

The Examiner has rejected claim 43 under 35 U.S.C. 103 as being allegedly unpatentable over Deutscher et al. (U.S. patent publication No. 2004/0001106A1) in view of Robotham et al. (U.S. patent No. 6,160,907) and further in view of Land et al. (U.S. patent publication No.

2004/0039934). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, with respect to the rejection of the dependent claim 43, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting this claim, Applicants respectfully submit that this claim is patentable by definition, by virtue of its dependence upon the patentable independent claim 36.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 24th day of October, 2006.

Monica Moreno